

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

UNITED STATES OF AMERICA, <i>ex rel.</i>)	
JODIE MURRILL, Personal Representative of)	
the Estate of GARY MURRILL,)	
)	
Plaintiffs,)	Case No: 4:21-CV-00371-DGK
)	
vs.)	<i>Oral Argument Requested</i>
)	
ELN ENTERPRISES, LLC,)	
)	
Defendant.		

**DEFENDANT ELN ENTERPRISES, LLC'S
MOTION FOR JUDGMENT ON THE PLEADINGS**

COMES NOW ELN Enterprises, LLC (“ELN”), by and through counsel, and moves the Court to enter judgment on the pleadings in favor of ELN pursuant to Federal Rule of Civil Procedure 12(c).

For the following reasons, and as more fully set forth in the accompanying Suggestions in Support of the Motion for Judgment on the Pleadings, Relator’s First Amended Complaint (“FAC”) fails to state a claim upon which relief may be granted. More specifically, Relator’s FAC fails to plead with particularity the circumstances constituting fraud under the False Claims Act as mandated by Rule 9(b). Relator’s FAC is devoid of any allegations that the alleged fraudulent conduct is material to the government’s decision to make payments to ELN for consultative examinations. Additionally, Relator fails to adequately plead that ELN possessed the requisite scienter.

WHEREFORE, Defendant ELN prays that judgment be entered in favor of ELN, that costs be awarded in favor of ELN, and for whatever further relief the Court deems just and proper.

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By: /s/ David A. Jermann

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 7th day of March, 2024, a copy of the above and foregoing was filed with the Court's e-filing system which sent notification of filing to all parties of record.

/s/ David A. Jermann

Attorney for Defendant